

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**  
41-3263

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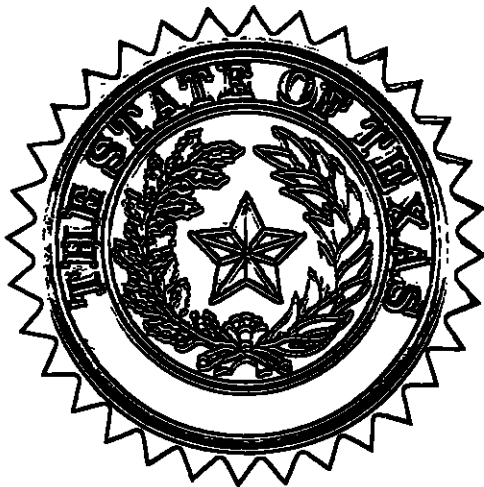
TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto House Bill No. 2327 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

House Bill 2327 would allow transit buses to use highway shoulders to pass traffic backups during peak traffic hours in certain urban counties. Currently, highway shoulders may only be used by motorists to pull out of the main lanes of the roadway in the case of a mechanical malfunction or emergency, and to allow the bypass of traffic by emergency vehicles.

House Bill 2327 is similar to Senate Bill 434, which I vetoed in 2009. While there are new provisions in this bill that attempt to address concerns, including additional training for bus drivers and a provision allowing the Texas Department of Transportation to suspend the program in some instances, allowing highway shoulders to be used by transit buses would leave no emergency lane, confuse drivers as to the purpose of highway shoulders, and endanger motorists, emergency personnel and transit bus passengers.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

*Rick Perry*  
RICK PERRY  
Governor of Texas

ATTESTED BY:

*Esperanza Andrade*  
ESPERANZA "HOPE" ANDRADE  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:02pm O'CLOCK  
JUN 17 2011

AN ACT

relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 to read as follows:

Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The department, in consultation with the Department of Public Safety and in conjunction with and with the elective participation of the appropriate metropolitan rapid transit authorities, county transportation authorities, municipal transit departments, and regional transportation authorities and the municipalities served by those mass transit entities, shall establish and operate a motor-bus-only lane pilot program for highways in Bexar, El Paso, Tarrant, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

(b) The program shall:

(1) provide for the use by motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less;

(2) limit the maximum speed of a motor bus being operated on a motor-bus-only lane to the lower of:

1           (A) 15 miles per hour greater than the speed of  
2 vehicles being operated on the main traveled part of the adjacent  
3 highway; or

4           (B) 35 miles per hour;

5           (3) provide for attainment of local operational  
6 experience with the conversion of existing highway shoulders to  
7 motor-bus-only lanes during peak traffic periods;

8           (4) include consideration of the following:

9           (A) safety;

10          (B) travel time and reliability;

11          (C) driver and passenger perceptions;

12          (D) level of service and maintenance; and

13          (E) capital improvements; and

14          (5) be limited only to public transit motor buses  
15 operated by the mass transit entities in the counties specified by  
16 Subsection (a).

17          (c) The department shall also include in the program:

18          (1) bus driver safety training;

19          (2) public awareness and education;

20          (3) bus operating rules that require bus drivers to  
21 yield to passenger cars and emergency vehicles; and

22          (4) roadside signs and pavement markings indicating  
23 that affected lanes are reserved for public transit motor-bus-only  
24 use.

25          (d) The department, in coordination with the appropriate  
26 mass transit entities under Subsection (a), shall fund the  
27 implementation of the program features under Subsection (c). Mass

1 transit entities that participate in the program shall reimburse  
2 the department for the funds spent on implementation of the program  
3 features. A metropolitan rapid transit authority that includes an  
4 advanced transportation district may use funds from the district to  
5 pay for expenses associated with the pilot program.

6 (e) The department shall initiate the motor-bus-only lane  
7 program as soon as practicable but not later than December 31, 2011.  
8 Not later than December 31, 2013, the department shall submit to the  
9 governor, the lieutenant governor, the speaker of the house of  
10 representatives, and the presiding officer of each legislative  
11 standing committee with primary jurisdiction over transportation a  
12 written report that contains:

13 (1) a description of the results of the program based  
14 on local operational experience described in Subsection (b)(3);

15 (2) any recommendations for changes to the program;  
16 and

17 (3) a plan on how the department will convert the  
18 program into a permanent program.

19 (f) The department may cancel the program if the department  
20 finds evidence of a trend of increasing vehicle accidents  
21 attributable to operation of buses under the program.

22 (g) Notwithstanding Subsection (a), the department may not  
23 establish or operate a motor-bus-only lane on a highway or toll  
24 facility maintained by a regional tollway authority established  
25 under Chapter 366 without the authority's consent.

26 SECTION 2. Section 542.002, Transportation Code, is amended  
27 to read as follows:

1           Sec. 542.002. GOVERNMENT VEHICLES. A provision of this  
2 subtitle applicable to an operator of a vehicle applies to the  
3 operator of a vehicle owned or operated by the United States, this  
4 state, or a political subdivision of this state, except as  
5 specifically provided otherwise by this subtitle [~~for an authorized~~  
6 ~~emergency vehicle~~].

7           SECTION 3. Section 545.058(c), Transportation Code, is  
8 amended to read as follows:

9           (c) A limitation in this section on driving on an improved  
10 shoulder does not apply to:

11           (1) an authorized emergency vehicle responding to a  
12 call;

13           (2) a police patrol; [~~or~~]

14           (3) a bicycle; or

15           (4) a motor bus of a mass transit entity described by  
16 Section 455.006 operating on a shoulder designated by the Texas  
17 Department of Transportation under that section.

18           SECTION 4. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2011.

David Keeney

President of the Senate

Joe Straus

Speaker of the House

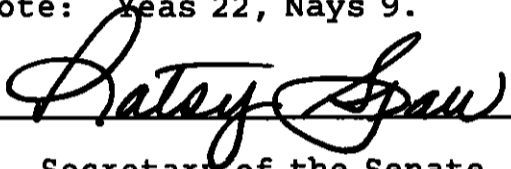
I certify that H.B. No. 2327 was passed by the House on April 26, 2011, by the following vote: Yeas 102, Nays 46, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2327 on May 27, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2327 on May 29, 2011, by the following vote: Yeas 114, Nays 30, 1 present, not voting.

Robert Haney

Chief Clerk of the House

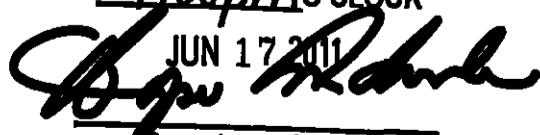
H.B. No. 2327

I certify that H.B. No. 2327 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 21, Nays 10; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2327 on May 29, 2011, by the following vote: Yeas 22, Nays 9.

  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:00 pm O'CLOCK  
JUN 17 2011  
  
Secretary of State